IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 7TH NOVEMBER 2006 / 16TH KARTHIKA 1928

WP(C).No. 29212 of 2006(C)

PETITIONER:

ISHAMMA P.J., W/O.LATE M.A.JOSEPH BOSS,
T.K.M. ENGINEERING COLLEGE, MURIKKUTHARA,
H.NO.30., T.K.M. NAGAR, T.K.M.C. P.O., KARIKODE,
KOLLAM.

BY ADV. SRI.M.V.THAMBAN

RESPONDENTS:

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1. THE DIRECTOR,
DIRECTORATE OF TECHNICAL EDUCATION,
THIRUVANANTHAPURAM.

2. THE PRINCIPAL,
T.K.M. ENGINEERING COLLEGE, T.M.M.C. (P.O),
KARIKODE, KOLLAM.

3. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT,
DEPARTMENT OF HIGHER EDUCATION, GOVT.SECRETARIAT,
THIRUVANANTHAPURAM.

R1 & R3 BY G.P. SHRI A.J. VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A. K. Basheer, J.

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W.P.(C)No.29212 Of 2006-C

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Dated this the 7th day of November, 2006.

JUDGMENT

Petitioner is stated to be the widow of late Shri M.A. Joseph Boss who retired from service while he was working as Workshop Superintendent in T.K.M. Engineering College, Kollam. Shri Joseph Boss admittedly retired from service on March 31, 2002. It is also the admitted position that he passed away on December 7, 2004, about two years and nine months after his retirement. The grievance of the petitioner is that her deceased husband had not been granted the benefit of Higher Grade while reckoning his pensionary benefits. A perusal of the materials on record undoubtedly shows that deceased Joseph had no such grievance till his death as now ventilated by the petitioner. He passed away after nearly three years of his retirement. This writ petition has been filed about two years after the death of Shri Joseph.

2. However, learned counsel for the petitioner submits that in the case of similarly placed employees, benefits as now claimed by the petitioner, had been granted. Learned counsel submits that petitioner will be satisfied if an appropriate direction is issued to respondent No.1 to consider and pass orders on Ext.P3 in which she is stated to have highlighted her grievances.

This writ petition is disposed of with a direction to respondent No.1 to consider and pass orders on Ext.P3 strictly on its merit and in accordance with law.

This shall be done as expeditiously as possible, at any rate, within four months from the date of receipt of a copy of this judgment. Respondent No.1 shall ensure that petitioner is afforded sufficient opportunity to be heard before any orders are passed on Ext.P4. I make it clear that I have not considered the merit of any of the contentions raised by the petitioner in the writ petition.

(A.K. Basheer)
Judge.

Kav/